Indraram through his Lrs.vs. Lrs. Of Ramratan & Ors.

SB Civil 1st Appeal No.140/1999

Date of Judgment: 18th May, 2007.

PRESENT

HON'BLE MR.JUSTICE BHAGWATI PRASAD

Mr.Manish Shishodia for the appellant/s.
Mr.H.S.Sandhu for the respondent/s.

Heard learned counsel for the parties.

The case comes up on an application under Order 23 read with Section 151 CPC, filed and jointly signed by the appellants and respondents, seeking disposal of the appeal in terms of compromise dated 05th February, 2007, Annx.A/1 annexed to the application.

Accordingly, it is ordered that the foregoing appeal is allowed and the judgment and decree dated 08.0799, passed by the Additional District Judge No.1, Sriganganagar, in civil original case No.165/1994 is set aside and the plaintiff appellants' suit for specific performance is decreed against the respondents, in terms of compromise dated 05.07.07, arrived at between the parties and the

said compromise be treated as part and parcel of this order.

It is further directed that in pursuance to compromise agreements dated 21.02.06 and sale deed dated 25.05.05 , only 11 bigha of land is required to be transferred in favour of the appellants, being the property in dispute in the present appeal.

Since the appeal is being disposed of , it is further ordered that out of the remaining 11 bigha land belonging to Ramratan , the parties have compromised at the rate of Rs.73,000/- per bigha, totaling to Rs.8,21,250/- , out of which Rs.5,50,000/- have been received by respondents and balance amount shall be received by the respondents, within three months from the date of the judgment and upon receipt thereof, the respondents shall immediately execute sale-deed in favour of the appellants for the entire 11 bigha land.

The appeal is, therefore, disposed of in terms of compromise as above.

(BHAGWATI PRASAD), J.

L.George